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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,678	02/24/2004	Gregory J. Garbacz	85049MGB	8392

7590

05/25/2006

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EXAMINER

TRAN, LY T

ART UNIT	PAPER NUMBER
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2853

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/785,678

Applicant(s)

GARBACZ, GREGORY J.

Examiner

Ly T. TRAN

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipate by Ohkoda (EP 1059168).

With respect to claims 1,8 and 13-16, Ohkoda discloses an apparatus and a method of a borderless ink jet printer comprising:

- An enclosure (fig.13: element 101)
- A printhead (element 110) movable to release ink drops on a print medium (element 112), and to release ink drops slightly beyond edges of the print medium in order to ensure edge-to-edge printing on the print medium;
- An air flow generator (element 103, Column 16: [0083], [0084]) that generates a constant airstream with direction and force so that ink drops released slightly beyond edges of the print medium are carried away by the constant airstream to prevent the drops from clinging to any edge of the print medium.

- Collecting ink drops carried by the constant airstream in order to reuse them (element 113)

With respect to claims 2, and 9, Ohkoda discloses a medium support supports the print medium within the constant airstream in order that edges of the print medium are subjected to the constant airstream (Column 15: line 50-58).

With respect to claims 3 and 11, Ohkoda discloses a sump is positioned relative to said medium support to collect ink drops that are carried by the constant airstream away from edges of the print medium or a sump is in airtight communication with said gravity drain and is positioned below said gravity drain to receive ink drops from said gravity drain. (Fig.13: element 113)

With respect to claims 4 and 12, Ohkoda discloses a gutter surrounds said medium support, including surrounding edges of the print medium, to collect ink drops that are carried by the constant airstream or a continuous space exists between said medium support and said gravity drain defines a gutter that receives ink drops oversprayed relative to edges of the print medium (element 119).

With respect to claim 5, Ohkoda discloses air flow generator includes an enclosure (element 101) for the printhead (element 110) and the print medium (Element 112), and an air exhaust (element 105) from said enclosure cooperates with an air intake into said enclosure to generate the constant airstream.

With respect to claim 6, Ohkoda discloses that the enclosure (element 101) includes a sump (element 113) to collect ink drops that are carried by the constant airstream away from edges of the print medium.

With respect to claim 7, Ohkoda discloses that a platen (Column 15: line 55-58) for supporting the print medium is located within said enclosure (element 101).

With respect to claim 10, Ohkoda a gravity drain is open proximate the printhead (110) to receive ink drops oversprayed relative to edges of the print medium (112), the medium support (element 111, Column 15: line 55-58) is located within said gravity drain, and the air flow generator exhausts air from the gravity drain to cause the constant airstream to flow from the printhead into the gravity drain (fig.13: element 103,105).

Response to Arguments

2. Applicant's arguments filed 3/10/06 have been fully considered but they are not persuasive.

Applicant argues that Ohkoda's fans 103 and 105 are provided in order to exhaust only the mist, not the ink drop over spray. This argument is not deemed to be persuasive because Ohkoda discloses borderless printing; the ink drop is drop down into the absorbent case 113 and the fans generates the force air to capable forcing the mist down, the force air can also help the ink drop over spray fall into the absorbent cases 113.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ly T. TRAN whose telephone number is 571-272-2155. The examiner can normally be reached on M-F (7:30am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LT

May 17, 2006


STEPHEN MEIER
SUPERVISORY PATENT EXAMINER